UNITED STATES OF AMERICA BEFORE THE NATIONAL LABOR RELATIONS BOARD

ALLIEDBARTON SECURITY SERVICES, LLC

and

Case 03-CA-078930

PLANT PROTECTION ASSOCIATION NATIONAL, LOCAL 104

DECISION AND ORDER

Statement of the Case

On September 18, 2012, AlliedBarton Security Services, LLC (the Respondent), Plant Protection Association National, Local 104 (the Union), and the Acting General Counsel of the National Labor Relations Board entered into a Formal Settlement Stipulation, subject to the Board's approval, providing for the entry of a consent order by the Board and a consent judgment by any appropriate United States Court of Appeals. The parties waived all further and other proceedings before the Board to which they may be entitled under the National Labor Relations Act, as amended, and the Board's Rules and Regulations, and the Respondent waived its right to contest the entry of a consent judgment or to receive further notice of the application therefor.

The National Labor Relations Board has delegated its authority in this proceeding to a three member panel.

The Formal Settlement Stipulation is approved and made a part of the record, and the proceeding is transferred to and continued before the Board in Washington, D.C., for the entry of a Decision and Order pursuant to the provisions of the Formal Settlement Stipulation.

Based on the Formal Settlement Stipulation and the entire record, the Board makes the following:

Findings of Fact

1. The Respondent's business

Respondent is a corporation, with an office and place of business located in Buffalo, New York, where it is engaged in the provision of security services.

Annually, in conducting its operations described above, Respondent performs services valued in excess of \$50,000 in states other than the State of New York.

Respondent is now, and has been at all material times, an employer engaged in commerce within the meaning of Section 2(2), (6) and (7) of the Act.

2. The labor organization involved

The Plant Protection Association National, Local 104 is a labor organization within the meaning of Section 2(5) of the Act.

3. The appropriate unit

The following employees of the Respondent, the unit, constitute a unit appropriate for collective bargaining within the meaning of Section 9(b) of the Act:

All full-time and regular part-time protective services officers employed by the Employer at Ford Motor Company's Buffalo Stamping Plant located at S-3663 Lake Shore Road, Buffalo, New York; excluding all office clerical employees, supervisors (including the site supervisor) as defined in the Act, and all non-guard employees.

About July 1, 2011, Ford Motor Company awarded the Respondent the security services contract previously held by Guardsmark, Inc. (Guardsmark), and since then the Respondent has continued to perform the services previously performed by Guardsmark in basically unchanged form, and has employed as a majority of its employees individuals who were previously employees of Guardsmark.

Based on the operations described above, the Respondent has continued the employing entity and is a successor to Guardsmark.

On October 2, 2007, the National Labor Relations Board certified the Union as the exclusive collective-bargaining representative of the unit employed by Guardsmark.

Since about July 1, 2011, based on the facts described above, the Union has been the designated exclusive collective-bargaining representative of the unit.

From about October 2, 2007 until about July 1, 2011, based on Section 9(a) of the Act, the Union had been the exclusive collective-bargaining representative of the unit employed by Guardsmark.

At all times since about July 1, 2011, based on Section 9(a) of the Act, the Union has been the exclusive collective-bargaining representative of Respondent's employees in the unit.

ORDER

Based on the above findings of fact, the Formal Settlement Stipulation and the entire record and pursuant to Section 10(c) of the National Labor Relations Act, as amended, the National Labor Relations Board orders that:

The Respondent, AlliedBarton Security Services, LLC, its officers, agents, successors, and assigns shall

1. Cease and desist from:

(a) Refusing to bargain collectively with Plan Protection Association National, Local 104 (the Union) as the exclusive representative of employees in the appropriate bargaining unit set forth below, by unilaterally implementing changes in terms and conditions of employment during negotiations for a collective-bargaining agreement in the absence of overall impasse on the entire agreement.

All full-time and regular part-time protective services officers employed by the Employer at Ford Motor Company's Buffalo Stamping Plant located at S-3663 Lake Shore Road, Buffalo, New York; excluding all office clerical employees, supervisors (including the site supervisor) as defined in the Act, and all non-guard employees.

- (b) In any like or related manner interfering with, restraining, or coercing employees in the exercise of the rights guaranteed in Section 7 of the Act.
- 2. Take the following affirmative action which the National Labor Relations Board finds will effectuate the policies of the National Labor Relations Act, as amended:
- (a) On request, bargain collectively and in good faith with the Union as the exclusive representative of the employees in the appropriate unit described above with respect to rates of pay, wages, hours of employment and other terms and conditions of employment, and if an understanding is reached, reduce it to writing and sign it.
- (b) If requested by the Union, rescind the change to the employee "leave post" policy implemented about January 23, 2012, and reinstate the terms and conditions of employment that existed before the unilateral change.
- (c) If requested by the Union, rescind the change to the job duties of lead officers that require them to perform fire extinguisher checks implemented about March 2012, and reinstate the terms and conditions of employment that existed before the unilateral change.
- (d) If requested by the Union, rescind the employee checkpoint push button system implemented about April 2012, and reinstate the terms and conditions of employment that existed before the unilateral change.
- (e) If requested by the Union, rescind the change to the policy restricting the use of recording devices implemented about April 5, 2012, and reinstate the terms and conditions of employment that existed before the unilateral change.

- (f) Within 14 days of service by the Region, post at its Ford Motor Company Buffalo Stamping Plant location, a copy of the attached Notice to Employees marked "Appendix A." Copies of the notice, on forms provided by Region 3, after being signed by Respondent's authorized representative, shall be posted by the Respondent and maintained for 60 consecutive days in conspicuous places, including all places where notices to employees are customarily posted. The Respondent will take reasonable steps to ensure that the notices are not altered, defaced, or covered by any other material.
- (g) Within 21 days after service by the Region, file with the Regional Director a sworn certification by a responsible official on a form provided by the Region attesting to the steps that Respondent has taken to comply.

Dated, Washington, D.C., October 26, 2012.

Mark Gaston Pearce,	Chairman	
Brian E. Hayes,	Membe	
Richard F. Griffin, Jr.,	Membe	

(SEAL)

NATIONAL LABOR RELATIONS BOARD

APPENDIX A

NOTICE TO EMPLOYEES

Posted by Order of the National Labor Relations Board An Agency of the United States Government

PURSUANT TO A STIPULATION PROVIDING FOR A BOARD ORDER AND A CONSENT JUDGMENT OF ANY APPROPRIATE UNITED STATES COURT OF APPEALS

FEDERAL LAW GIVES YOU THE RIGHT TO:

Section 7 of the National Labor Relations Act gives you as employees these rights:

Form, join, or assist a union;
Choose representatives to bargain with us on your behalf;
Act together with other employees for your benefit and
protection;
Choose not to engage in any of these protected activities.

WE WILL NOT do anything which interferes with, restrains, or coerces you with respect to these rights. More specifically,

WE WILL NOT refuse to bargain collectively with Plant Protection Association National, Local 104 (the Union) as the exclusive representative of employees in the appropriate unit set forth below by unilaterally implementing changes in terms and conditions of employment during negotiations for a collective-bargaining agreement in the absence of an overall good-faith impasse, specifically,

WE WILL NOT unilaterally change employee "leave post" policies, change job duties of lead officers, institute a new employee checkpoint push button system or implement a policy restricting the use of recording devices.

WE WILL NOT in any similar way violate your exercise of any of the rights stated above.

WE WILL, on request by the Union, rescind the change to the employee "leave post' policies, implemented about January 23, 2012, and reinstate the terms and conditions of employment that existed before the unilateral change.

WE WILL, on request by the Union, rescind the change to the job duties of lead officers that requires them to perform fire extinguisher checks, implemented about March 2012, and reinstate the terms and conditions of employment that existed before the unilateral change.

WE WILL, on request by the Union, rescind the employee checkpoint push button system implemented about April 2012, and reinstate the terms and conditions of employment that existed before the unilateral change.

WE WILL, on request by the Union, rescind the change to the policy restricting the use of recording devices implemented about April 5, 2012, and reinstate the terms and conditions of employment that existed before the unilateral change.

WE WILL, on request, bargain collectively with the Union as the exclusive representative of employees in the following unit with respect to rates of pay, wages, hours of employment, and other conditions of employment.

The appropriate bargaining unit is:

Telephone 716-551-4931

All full-time and regular part-time protective services officers employed by the Employer at Ford Motor Company's Buffalo Stamping Plant located at S-3663 Lake Shore Road, Buffalo, New York; excluding all office clerical employees, supervisors (including the site supervisor) as defined in the Act, and all non-guard employees.

	ALLIEDBARTON SECURITY SERVICES, LLC (Employer)		
DATE:	BY: _	(Representative)	(Title)
National Labor Relations Board – 130 S	S. Elmı	wood Avenue, Buffalo, N	IY 14202-